

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

SHEA R. THOMAS

Case No. C-07-cv-409

Petitioner,

-v-

**Judge Thomas M. Rose
Chief Magistrate Michael R. Merz**

**ERNIE MOORE, Warden
Lebanon Correctional Institution**

Respondent.

ENTRY AND ORDER OVERRULING THOMAS'S OBJECTIONS (Doc. #22) TO THE CHIEF MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE CHIEF MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #20) IN ITS ENTIRETY AND TERMINATING THIS CASE

This matter comes before the Court pursuant to Petitioner Shea R. Thomas's ("Thomas's") Objections to Chief Magistrate Judge Michael R. Merz's Report and Recommendations. The Report and Recommendations were issued on October 14, 2008. (Doc. #20.) On December 1, 2008, Thomas filed objections. (Doc. #22.) The time has run and the Warden has not filed a response. Thomas's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Thomas's objections to the Chief Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Chief Magistrate Judge's Report and Recommendations is adopted in its entirety.

Thomas's Petition for a Writ of Habeas Corpus is DISMISSED with prejudice. Further, because reasonable jurists would not disagree with this conclusion, Thomas is denied leave to

appeal *in forma pauperis* and any requested certificate of appealability.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton. The Clerk is also hereby ordered to serve a copy of this Order on Petitioner Shea R. Thomas at his last known address.

DONE and **ORDERED** in Dayton, Ohio, this Sixteenth day of January, 2009.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Shea R. Thomas